

[51]

THE FEES AND COSTS OF THE HIGH COURT ORDINANCE, 1921.

Western Samoa.

No. 3, 1921.



An Ordinance

made by the Administrator of the Territory of Western Samoa with the advice and consent of the Legislative Council of that Territory, and in pursuance of the Samoa Constitution Order, 1920.

1. This Ordinance may be cited as the Fees and Costs of the High Court Ordinance, 1921.

2. There shall be payable in respect of proceedings in the High Court of Western Samoa the fees set forth in the First Schedule hereto. Such fees shall be paid by means of stamps, except fees payable in respect of proceedings under the Samoa Land and Titles Commission Order, 1921, which shall be paid in cash.

3. No fees shall be payable in respect of any proceedings under the Samoa Maintenance and Affiliation Order, 1920.

4. In any proceedings not being within the civil jurisdiction of the High Court, and not being proceedings initiated by an information laid by a constable, the Court may order the payment by one party to such proceedings to the other of such sum not exceeding £10 10s as it shall think fit as the costs of such party together with the disbursements made by him or such part thereof, if the court shall think fit to allow. If the party ordered to pay such costs and disbursements fails to pay the same or any part thereof he shall be guilty of contempt of the High Court.

5. The Fees of the High Court Ordinance, 1920, No. 2, is hereby repealed.

6. - - - - See Annual Ord. 1932.

7. - - - - FIRST SCHEDULE.
CIVIL PROCEEDINGS.

Filing Statement of Claim:

On claim of value not exceeding £10	7s
Exceeding £10 and not exceeding £50	10s
Exceeding £50 and not exceeding £100	15s
Exceeding £100 and not exceeding £200	20s
Exceeding £200 20s with the addition of 10s for every £200 part thereof in excess of £200	25s

December, 1930.

NBULL,

Acting Administrator

except as particularly provided (Amend. Ord. 1932)

1921

(2) by deleting the words "on claim or value" in the 7th line of the second page of the said Ordinance (relating to hearing fees) and all words and figures down to and including the words and figures "exceeding £200 30/-" and substituting the following therefor:—

(a) Where the amount or the value of the land or chattel claimed does not exceed £10	....	3/-	5s
Exceeds £10 but does not exceed £50	....	10/-	10s
Exceeds £50 but does not exceed £100	....	15/-	15s
Exceeds £100 but does not exceed £200	....	£1	20s
Exceeds £200	....	£1/10/-	20s
(b) In actions for divorce	....	£2	10s
(c) In proceedings for mandamus, prohibition, injunction, declaration, or otherwise, where the relief claimed is not the payment of money or the recovery of land or chattels	....	£1	5s
Copy of any document or notes of evidence, per folio of 72 words,	....	1s	5s
Sealing exemptionification of Probate or Letters of Administration,	....	20s	10s
Commission on Order for examination of witnesses out of Samoa, including seal,	....	20s	20s
Examination of witnesses before an officer of the Court, for the first hour or fraction of an hour,	....	20s	10s
For every subsequent hour or fraction,	....	5s	5s
Memorial of Judgment, including seal,	....	20s	10s
Filing Memorial of Judgment of Supreme Court or Magistrate's Court of New Zealand,	....	10s	20s
Search in each Court book or of one or more documents in the same matter,	....	2s	10s
Charging Order including Seal,	....	10s	10s
Sealing on Probate or Letters of Administration,	....	10s	10s

(vice) or any other
2s
file of the Court-
1s
2s

See 224

5. The First Schedule to the principal Ordinance is amended by revoking the words and figures "Hearing of application, 5s Rehearing: two-thirds of the fees payable on the original hearing," set out under the heading RE-HEARINGS, and substituting the following words and figures :

- "Upon any application (whether oral or written) for re-hearing of the decision of a Native Judge or Faamasino in either civil or criminal proceedings (to be prepaid by each applicant) 4s.
- Fees for every re-hearing from a Native Judge or Faamasino (to be prepaid by each applicant) 4s.
- Upon any other application for re-hearing 5s.
- For every re-hearing except as aforesaid : two-thirds of the hearing fee payable on the original hearing."

Settling Case on seal	10s
Copy of notes of evidence or any document, per folio of 72 words,	20s
Charging Order of Supreme Court,	1s
Order dismissing appeal for non-prosecution,	10s
	10s

*No 4
1936*

*1936
under 6
5 of
not on*

*No 3
1937*

Filing Notice of Motion, Affidavit (other than Affidavit of Service) or any other document unless otherwise provided,	2s
Issue of Summons or other process and service within one mile of the Court-house, 2s; for every mile or part of a mile after the first,	1s
Issue of Subpoena,	2s
Hearing fee, payable by Plaintiff on all actions tried:	
On claim of value not exceeding £10,	3s
Exceeding £10 and not exceeding £50,	10s
Exceeding £50 and not exceeding £100,	15s
Exceeding £100 and not exceeding £200,	20s
Exceeding £200,	30s
Writ of Sale or Execution against the goods or person—in addition to sealing, 10s,	
Rule or Order, including Seal,	10s
Every duplicate of rule or Order, including Seal,	5s
Affixing Seal to any document unless otherwise provided,	5s
Filing Discontinuance,	10s
Stating Case for Supreme Court,	20s
Copy of any document or notes of evidence, per folio of 72 words,	1s
Sealing exemplification of Probate or Letters of Administration,	20s
Commission on Order for examination of witnesses out of Samoa, including seal,	20s
Examination of witnesses before an officer of the Court, for the first hour or fraction of an hour,	20s
For every subsequent hour or fraction,	5s
Memorial of Judgment, including Seal,	20s
Filing Memorial of Judgment of Supreme Court or Magistrate's Court of New Zealand,	10s
Search in each Court book or of one or more documents in the same matter,	2s
Charging Order including Seal,	10s
Sealing on Probate or Letters of Administration:	
Where an estate is sworn at under £20,	5s
Not exceeding £1000,	20s
Not exceeding £2000,	40s
Not exceeding £3000,	60s
In excess of £3000, 60s with the addition of 20s for every £1000 in excess of £3000.	
Hearing of Actions for Divorcement,	60s
REHEARINGS.	
Hearing of Application, Re-hearing, two-thirds of the fees payable on the original hearing.	
SPECIAL CASES.	
Filing Special Case for Judgment, 10s. Hearing, 20s.	
APPEALS IN HIGH COURT.	
Hearing application for leave and order thereon, 10s. Hearing appeal, 10s.	
APPEALS TO SUPREME COURT.	
Hearing application for leave,	20s
Sealing Order for leave,	10s
Settling Case on appeal,	10s
Copy of notes of evidence or any document, per folio of 72 words,	1s
Filing Order of Supreme Court,	10s
Order dismissing appeal for non-prosecution,	10s

WESTERN SAMOA MAIL,
SAMOA.

1936

under by
5 of
inf. ord 1937.

See edit

W

Each man left by the Registrar in possession of land or chattels, 12s a day or portion of a day.
 For storage, carriage or removal of goods or advertising same for sale, the amount actually and reasonably paid.
 Commission on sale by Auctioneer or Registrar, unless otherwise ordered by the Court, 5 per centum in addition to amount actually and reasonably paid for advertising.

CRIMINAL PROCEEDINGS.

Information and Summons or Warrant to include one name, and service within two miles, 5s
 For every additional name and like service, 2s
 For every summons to a witness, to include one name only, and service within two miles, 2s
 Hearing any Information, 2s
 Conviction or order when drawn up in proper form, 2s
 For every Warrant of Distress upon conviction for a fine or upon an order for the payment of money, 3s
 For every Warrant of Commitment in default of payment of a fine, 3s.
 Recognisances, with or without sureties, 5s
 For every enlargement or renewal thereof, 3s
 Mileage for service of any summons or execution of a warrant, 1s a mile beyond two miles from the court or actual expenses, at the discretion of the Court.

(NOTE.—The foregoing fees are not to be taken in proceedings for offences punishable otherwise than by a fine in the first instance. Where the information is laid by a constable the fees shall not be prepaid, but the Court upon a conviction may order payment of same by the defendant in addition to any other penalty. On a private prosecution the court may order the payment by one party to the other of all fees of Court paid by him.)

FEES PAYABLE IN PROCEEDINGS UNDER THE SAMOA NATIVE LAND AND TITLES COMMISSION ORDER, 1920.

Publication of claim in Savali, £2 10s
 Filing petition and hearing, £5
 Judgment, £5
 Application for rehearing before the Commission (payable within fourteen days after lodging application for rehearing), £10

The President of the Commission may make such order as he may think fit for the refund of a portion of any fee paid to the person paying the same or may order the payment to any party to the proceedings of any portion of the fees paid by the other party.

Survey fees to be fixed by the Commission in each case.

If any expense is caused by the necessity for inspection of land or other cause not covered by the foregoing fees the Commission may make such order for payment thereof by either or both of the parties as it shall think fit.

Assented to this 7th day of April, 1921.

[L.S.] R. W. TATE,
 Administrator.

No 2
 1934